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**From:** Proto, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E9B2E837D7ED4826B3AC421843833318-PPROTO]  
**Sent:** 3/31/2022 10:03:13 PM  
**To:** Harmon, Darrel [Harmon.Darrel@epa.gov]  
**Subject:** RE: Tribal Consultation Invitation – Minnesota 2022 303(d) List

Thanks Darrel.

All sounds good and just let me know if and when you hear anything back from LLBO re: setting up a call with them.

Paul

Paul Proto | Environmental Scientist | U.S. EPA, Region 5, Water Division, Watersheds & Wetlands Branch  
77 W. Jackson Blvd., WW-16J | Chicago, IL 60604 | 312-353-8657 (Office) | [proto.paul@epa.gov](mailto:proto.paul@epa.gov)

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**From:** Harmon, Darrel <Harmon.Darrel@epa.gov>  
**Sent:** Thursday, March 31, 2022 5:00 PM  
**To:** Proto, Paul <proto.paul@epa.gov>  
**Subject:** FW: Tribal Consultation Invitation – Minnesota 2022 303(d) List

Hi Paul – thought you should see this, just fyi but I will let you know if I hear anything else and especially if Brandy does want to schedule a one-on-one consultation.

Thanks Darrel

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**From:** Harmon, Darrel <Harmon.Darrel@epa.gov>  
**Sent:** Thursday, March 31, 2022 4:04 PM  
**To:** Brandy Toft <[brandy.toft@llojibwe.net](mailto:brandy.toft@llojibwe.net)>  
**Cc:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>; Davis, Tina <[Davis.Tina@epa.gov](mailto:Davis.Tina@epa.gov)>  
**Subject:** FW: Tribal Consultation Invitation – Minnesota 2022 303(d) List

Hi Brandy: We do want to be sure we have a shared understanding of the consultation process, so let's set up a time to discuss your concerns as soon as possible, due to the statutory requirements of this action. Next Tuesday and Wednesday look good if you have time. The second last paragraph of the attached letter does refer to other methods of consultation by request, and we will work with Water Division to make sure the option is as clear as possible.

I checked with Paul and Water Division is happy to schedule one-on-one consultation if requested, but the statutory time line for finalizing this action is very restrictive. I can set up that discussion if LLBO does want to go ahead and consult one-on-one with EPA. Please note that the statutory deadline for this action is April 29, and Water Division needs time to finalize their actions after holding consultation meetings.

Thanks Darrel

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**From:** Brandy Toft <[brandy.toft@llojibwe.net](mailto:brandy.toft@llojibwe.net)>  
**Sent:** Thursday, March 31, 2022 1:51 PM  
**To:** Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>; Davis, Tina <[Davis.Tina@epa.gov](mailto:Davis.Tina@epa.gov)>  
**Subject:** Tribal Consultation Invitation – Minnesota 2022 303(d) List

Alan and Tina,

This process of "consultation" below by EPA is concerning to me. The process of setting a date without coordinating with individual Tribes, as well as hosting a joint consultation without indicated option of a separate individual consultations.

This does not seem to comply with the improving government to government relations work from EPA.

There was also an odd process used by Mr Pronto (I'm sure it is not just him, rather his supervisors) for the TMDL that was similar in format.

I would welcome further discussion on this to see if this does meet the true definition of consultation or are these rather information gathering calls.

Thank you,

Brandy

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**From:** Proto, Paul

**Sent:** Thursday, March 31, 2022 12:07 PM

**To:** Faron Jackson; Jeff Harper; Ben Benoit; Eric Krumm

**Subject:** Tribal Consultation Invitation – Minnesota 2022 303(d) List

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Hello Chairman Jackson, Mr. Harper, Mr. Benoit & Mr. Krumm,

The U.S. Environmental Protection Agency is initiating consultation with federally-recognized Indian Tribes in Region 5 regarding EPA's review and decision on Minnesota's 2022 303(d) list.

Attached is the electronic Tribal Consultation invitation letter. This tribal consultation discussion offers Region 5 tribes the opportunity to provide their comments to EPA on the Minnesota 2022 303(d) list.

The timeline for conducting the tribal consultation is on an accelerated track as EPA has 30 days to take a final action on Minnesota's 2022 303(d) list. Because of the very short time frame available to EPA we have set aside **12:00 PM to 2:00 PM CT on Monday April 18, 2022** for a consultation call, to use if interest is expressed in consulting in this manner.

Please contact Paul Proto, EPA staff, by phone (312-353-8657) or via email ([proto.paul@epa.gov](mailto:proto.paul@epa.gov)) by **Wednesday April 13, 2022**, to indicate if you would or would not like to consult on the Minnesota 2022 303(d) list.

If you are interested in participating in this consultation call, I will email the tribal consultation representative the conference call-in information for the April 18, 2022 consultation call starting at 12:00 PM CT.

Thank you for your interest in this matter.

Paul

Paul Proto | Environmental Scientist | U.S. EPA, Region 5, Water Division, Watersheds & Wetlands Branch  
77 W. Jackson Blvd., WW-16J | Chicago, IL 60604 | 312-353-8657 (Office) | [proto.paul@epa.gov](mailto:proto.paul@epa.gov)